

INSPECTOR'S STATEMENT

(A) Event Violations (go to (B) if this is an obstruction to enforcement violation)

1. What harmful event was this regulation designed to prevent? (Insert the event listed on the Reference List and remember that the event is not the same as the violation.) *water pollution*

2. If the event has happened, describe it. If it has not happened, what would cause it to happen and how likely is that? (For example, if there is an area for which no sediment control is provided, has runoff from that area reached a stream? If it hasn't reached a stream, what would cause it to get there and how likely is that to happen?)

The event has occurred. Runoff from the minesite has left the permit area and entered mud creek.

3. How much damage has already occurred as a result of the violation? Also, is the damage on the permit area or does it extend off the permit area?

Actual volumes of flow cannot were not witnessed. Extent of Damage cannot be quantified. At least 3 separate locations had had flow off the minesite

4. How much damage might have occurred if the violation had not been discovered by an OSM inspector? Describe this potential damage. Would the damage extend off the permit area?

Runoff from the minesite would have continued to leave the permit area during the next precipitation event.

(B) Obstruction to Enforcement Violations (answer for obstruction violations only, such as violations concerning recordkeeping, monitoring, plans, and certifications).

5. Describe how violation of this regulation actually obstructed enforcement by OSM and/or the public.

II. Degree of Fault (only one question applies to each violation; first decide which question to answer).

6. If you think this violation was not the fault of the operator (perhaps due to vandalism or an act of God, for example), explain. Remember that the permittee is considered responsible for the actions of all persons working on the minesite.

7. If you think this violation was the result of not knowing about OSM regulations, indifference to OSM regulations, or the result of lack of reasonable care, explain.

Inspector's Statement
Page Two

8. If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

9. Was the operator in violation of a specific permit condition? Did the operator receive prior warning of violation by the State or by OSM concerning this violation? If so, give the dates and the type of warning.

The operator was advised of the problem in the fall of 1982. See attached inspection memos copied to Allen Smith of North American Equities.

III. Good Faith

10. In order to receive good faith for compliance with an NOV or CO, an operator must have taken extraordinary measures to comply as rapidly as possible. The violation must have been abated before the time set for abatement. If you think this applies, describe how rapid the compliance was and what extraordinary measures the operator took.

June 28, 1983
Date

John J. Hitehead
Authorized Representative